



February 20, 2004

ENGROSSED SENATE BILL No. 35

DIGEST OF SB 35 (Updated February 18, 2004 8:24 am - DI 69)

Citations Affected: Noncode.

Synopsis: Open burning. Until January 1, 2006, allows a unit of local government to allow open burning of leaves under certain circumstances at a residence that is located in an area classified as nonattainment or maintenance for the one hour ozone standard if the burning occurs after September 30 and before November 1, or after March 31 and before May 1.

Effective: Upon passage.

Landske, Craycraft

(HOUSE SPONSORS — KUZMAN, AYRES, POND)

November 18, 2003, read first time and referred to Committee on Environmental Affairs.
January 13, 2004, amended, reported favorably — Do Pass.
January 22, 2004, read second time, amended, ordered engrossed.
January 23, 2004, engrossed.
January 26, 2004, read third time, passed. Yeas 38, nays 11.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Environmental Affairs.
February 19, 2004, amended, reported — Do Pass.

C
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ES 35—LS 6119/DI 69+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 35

A BILL FOR AN ACT concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) Subject to
2 IC 13-17-9-3 and the rules of the fire prevention and building
3 safety commission regulating open burning, and notwithstanding
4 326 IAC 4, a unit of local government may allow open burning of
5 leaves at a residence that is located in an area classified as
6 nonattainment or maintenance for the one (1) hour ozone standard
7 if:
8 (1) the burning occurs:
9 (A) after September 30 and before November 1; or
10 (B) after March 31 and before May 1;
11 (2) the burning:
12 (A) begins after sunrise; and
13 (B) ends before sunset;
14 (3) the burning occurs in a noncombustible container that is
15 sufficiently vented to induce adequate primary air combustion
16 and has enclosed sides, a bottom, and a mesh covering; and
17 (4) yard waste or leaf pickup is not available at the residence.
18 (b) This SECTION expires January 1, 2006.

ES 35—LS 6119/DI 69+



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1 SECTION 2. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author of Senate Bill 35.

LANDSKE

**C
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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, after "IC 13-17-9-3" insert "**and the rules of the fire prevention and building safety commission regulating open burning,**".

Page 1, line 4, delete "both an unincorporated area and".

Page 1, line 7, delete "December" and insert "**November**".

and when so amended that said bill do pass.

(Reference is to SB 35 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 35 be amended to read as follows:

Page 1, between lines 9 and 10, begin a new line block indented and insert:

"(2) the burning begins:

(A) after sunrise; and

(B) before sunset;".

Page 1, line 10, delete "(2)" and insert **"(3)"**.

Page 1, line 13, delete "(3)" and insert **"(4)"**.

(Reference is to SB 35 as printed January 14, 2004.)

ALTING

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 35, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "ozone nonattainment area" and insert "**area classified as nonattainment or maintenance for the one (1) hour ozone standard**".

Page 1, line 6, delete "(as defined in 326 IAC 1-2-46)".

Page 1, line 10, delete "burning begins:" and insert "**burning:**".

Page 1, line 11, after "(A)" insert "**begins**".

Page 1, line 12, after "(B)" insert "**ends**".

and when so amended that said bill do pass.

(Reference is to SB 35 as reprinted January 23, 2004.)

BOTTORFF, Chair

Committee Vote: yeas 7, nays 5.

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